

## **REMARKS**

### **Rejections under 35 U.S.C. § 103(a)**

Claims 1-4, 6-9, 11-14, 16-19, 21-24, 26-29, 31, and 34-35 stand rejected under 35 U.S.C. § 103(a) as being obvious over Sezan et al., U.S. Patent 6,236,395 (previously cited) and Cobbley et al, U.S. Patent 5,818,510.

Sezan discloses using different description schemes that contain data or links to data for television content browsing, filtering, searching, archiving, and personalization. Sezan discloses three such description schemes: program, system and user. The program, system, and user description schemes are data for program views and program profiles, managing individual programs, and user's personal preferences, respectively. Different modules of Sezan's audiovisual system use the data in the different description schemes. For example, the analysis module uses the user description scheme data to trigger highlight functionality for a particular program. The analysis module further generates preferred views and stores associated data for the program description scheme.

Cobbley discloses a system that transmits and stores audiovisual segments. The system stores the segments in a cache and indexes the segments.

In independent claim 1, Applicant claims a media storage device that receives executable storage management instructions from a media service provider. Furthermore, in independent claims 11 and 21, Applicant claims generating and transmitting executable storage management instructions to an on-site media storage device. The Examiner apparently equates Sezan's description schemes with Applicant's executable storage management instructions. However, Sezan's description schemes are merely data that are used by modules and not executable storage management instructions as claimed. For example, Sezan's analysis module uses the user description scheme to trigger instructions that highlight functionality. Sezan does not teach or suggest that the description scheme contains executable instructions. Thus, Sezan's description schemes cannot be properly equated to Applicant's executable storage management instructions as claimed. Furthermore, there is no other disclosure in Sezan that teaches or suggests receiving or generating and transmitting storage management instructions as claimed.

In addition, because Cobbley is directed towards transmitting and storing audiovisual segments, Cobbley cannot teach or suggest receiving or generating and transmitting storage management instructions as claimed. Thus, neither Sezan nor Cobbley teaches or suggests receiving or generating and transmitting storage executable management instructions as claimed.

Therefore, the combination of Sezan and Eyer does not render obvious independent claims 1, 11, and 21, and claims 2-4, 6-9, 12-14, 16-19, 22-24, 26-29, 31, and 34-35 that depend from them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over Sezan and Eyer.

#### Claims 5, 10, 20, and 30

Claims 5, 10, 20, and 30, which depend from one of independent claims 1, 11, and 21, stand rejected under 35 U.S.C. § 103(a) as being obvious over Sezan in view of Kunkel et al., U.S. Patent 2002/0056093 (previously cited).

Because Kunkel is directed to transmitting advertisements in a broadcast distribution system, Kunkel cannot teach or suggest receiving or generating and transmitting storage executable management instructions as claimed in independent claim 1 or independent claims 11 and 21. As discussed above, neither Sezan nor Cobbley teach or suggest these claim limitations.

Because none of Sezan, Cobbley, or Kunkel teach or suggest each and every limitation of independent claims 1, 11, and 21, the combination cannot be properly interpreted as doing so. Therefore, the combination cannot render obvious Applicant's invention as claimed in dependent claims 5, 10, 20, and 30, and Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103 over the combination of Sezan, Eyer, and Kunkel.

#### Claims 32-33

Claims 32-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sezan in view of Eyer and Kenner et al., U.S. Patent 5,953,716 (previously cited).

Kenner discloses a system that retrieves video clips that are stored locally or at a remote location. Thus, Kenner cannot be properly interpreted as disclosing receiving

executable storage management instructions as claimed in independent claim 32. As discussed above, neither Sezan nor Cobbley teach or suggest this claim limitation.

Because none of Sezan, Cobbley, or Kenner teaches each and every limitation of independent claim 32, the combination cannot be properly interpreted as doing so. Therefore, the combination cannot render obvious Applicant's invention as claimed in claims 32 and 33, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103 over the combination of Sezan, Eyer, and Kenner.

### **SUMMARY**

Claims 1-14, 16-24 and 26-35 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x7514.


### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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